

Laurence M. Rosen, Esq. (SBN 219683)
THE ROSEN LAW FIRM, P.A.
355 South Grand Avenue, Suite 2450
Los Angeles, CA 90071
Telephone: (213) 785-2610
Facsimile: (213) 226-4684
Email: lrosen@rosenlegal.com

Counsel for Lead Plaintiff and the Class

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In re Silver Wheaton Corp.
Securities Litigation

Master File No. 2:15-cv-05146-
CAS(PJWx)
c/w: 2:15-cv-05173-CAS(PJWx)

**PLAINTIFFS' MOTION FOR
PARTIAL JUDGMENT ON THE
PLEADINGS**

CLASS ACTION

Judge: Hon. Christina A. Snyder
Hearing Date: December 16, 2019
Time: 10:00 a.m.
Ctrm: 8D
Complaint Filed: July 8, 2015

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on December 16, 2019 at 10:00 a.m., or
3 as soon thereafter as the matter may be heard at First Street Courthouse, 350 W.
4 First Street, Courtroom 8D, 8th Floor, Los Angeles, CA 90012, Plaintiff/
5 Class Representatives (“Plaintiffs”), by their undersigned counsel, will and hereby
6 do move the Court, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure,
7 for partial judgment on the pleadings as to the Seventh Affirmative Defense
8 (Offset of Damages) asserted by Defendants Silver Wheaton Corp., Randy V.J.
9 Smallwood, Peter Barnes, and Gary Brown, and the Twenty-Sixth Affirmative
10 Defense (Offset of Damages) asserted by Defendant Deloitte LLP, and for such
11 other relief as the Court finds just and proper.

12 This Motion is made following the conference of counsel pursuant to Local
13 Rule 7-3 and is based on the memorandum of points and authorities filed concurrently
14 herewith, such additional evidence and argument as may be presented at the hearing
15 on this motion, all of the pleadings, files and records in this proceeding, and such
16 other evidence as may later be submitted.

17 The parties have corresponded at length and met and conferred on several
18 occasions, with the last session occurring on October 4, 2019.

19 Dated: November 6, 2019

Respectfully submitted,

20 **THE ROSEN LAW FIRM, P.A.**

21 /s/ Laurence M. Rosen

22 Laurence M. Rosen, Esq. (SBN 219683)
23 355 S. Grand Avenue, Suite 2450
24 Los Angeles, CA 90071
25 Telephone: (213) 785-2610
26 Facsimile: (213) 226-4684
Email: lrosen@rosenlegal.com

27 *Counsel for Plaintiffs and the Class*

28

CERTIFICATE OF SERVICE

I, Laurence M. Rosen, hereby declare under penalty of perjury as follows:
I am an attorney at The Rosen Law Firm, P.A., with offices at 355 South Grand
Avenue, Suite 2450, Los Angeles, CA 90071. I am over the age of eighteen.

5 On November 6, 2019, I electronically filed the foregoing PLAINTIFFS'
6 MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS with the Clerk of
7 the Court using the CM/ECF system which sent notification of such filing to counsel
8 of record.

9 || Executed on November 6, 2019

/s/ Laurence M. Rosen

Laurence M. Rosen